

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

Mountain Express Oil Company, *et al.*,¹
Debtors.

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

Related to Docket Nos. 488, 511, 675 & 697

WITNESS AND EXHIBIT LISTS

Mountain Express Oil Company and certain of its affiliates (collectively, the Debtors”) hereby submit the following *Witness and Exhibit List* (the “Witness and Exhibit List”) with respect to the hearing scheduled on June 29, 2023 at 3:00 p.m. (CT), in the above-captioned bankruptcy cases (the “Cases”), pending before the Honorable David R. Jones, United States Bankruptcy Judge, Courtroom 400, 515 Rusk, Houston, Texas 77002.

WITNESS LIST

The Debtors may call the following witnesses:

1. Michael Healy, Chief Restructuring Officer;
2. Jaskerit “Jay” Lally
3. Lisa Ciotoli
4. Any witness listed or called by any other party; and
5. Any witness necessary for rebuttal, impeachment, or authentication purpose.

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at www.kccllc.net/mountainexpressoil. The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

EXHIBIT LIST

The Debtors may introduce the following exhibits:

Exhibit No.	Description	Offered	Objection	Admitted	Disposition After Hearing
1	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Monto Food Mart Inc. (Store No. 961)				
2	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Monto Food Mart Inc. (Store No. 961)				
3	Notice of Violation of Automatic Stay dated May 31, 2023 (Monto Food Mart Inc. - Store No. 961)				
4	May 30, 2023 Notice of Default (Store No. 961)				
5	May 31, 2023 Second Notice of Default (Store No. 961)				
6	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Yonkers Fuel Inc. (Store No. 962)				
7	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Yonkers Fuel Inc. (Store No. 962)				
8	First Amendment of Amended and Restated Fuel Supply Agreement dated May 24, 2022, by and between MEX Fuels NE-NY LLC and Yonkers Fuel Inc. (Store No. 962)				
9	Notice of Violation of Automatic Stay dated May 31, 2023 (Yonkers Fuel Inc. - Store No. 962)				
10	May 30, 2023 Notice of Default (Store No. 962)				
11	May 31, 2023 Second Notice of Default (Store No. 962)				
12	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and 575 Fuel Inc. (Store No. 963)				
13	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and 575 Fuel Inc. (Store No. 963)				
14	First Amendment of Amended and Restated				

	Fuel Supply Agreement dated September 30, 2022, by and between MEX Fuels NE-NY LLC and 575 Fuel Inc. (Store No. 963)				
15	Notice of Violation of Automatic Stay dated May 31, 2023 (575 Fuel Inc. - Store No. 963)				
16	May 25, 2023 Notice of Default (Store No. 963)				
17	May 25, 2023 Second Notice of Default (Store No. 963)				
18	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Prime Petro Inc. (Store No. 965)				
19	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Prime Petro Inc. (Store No. 965)				
20	Notice of Violation of Automatic Stay dated May 31, 2023 (Prime Petro Inc. - Store No. 965)				
21	May 31, 2023 Notice of Default (Store No. 965)				
22	May 31, 2023 Second Notice of Default (Store No. 965)				
23	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and American 1 Gas Inc. (Store No. 968)				
24	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and American 1 Gas Inc. (Store No. 968)				
25	First Amendment of Amended and Restated Fuel Supply Agreement dated August 2, 2022, by and between MEX Fuels NE-NY LLC and American 1 Gas Inc. (Store No. 968)				
26	First Amendment of Amended and Restated Commercial Lease dated August 2, 2022, by and between MEX Fuels NE-NY LLC and American 1 Gas Inc. (Store No. 968)				
27	Notice of Violation of Automatic Stay dated May 31, 2023 (American 1 Gas Inc. - Store No. 968)				
28	May 30, 2023 Notice of Default (Store No. 968)				
29	May 31, 2023 Second Notice of Default (Store No. 968)				
30	Amended and Restated Fuel Supply Agreement dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Commack Fuel Inc.				

	(Store No. 974)				
31	Amended and Restated Commercial Lease dated February 11, 2022, by and between MEX Fuels NE-NY LLC and Commack Fuel Inc. (Store No. 974)				
32	Notice of Violation of Automatic Stay dated May 31, 2023 (Commack Fuel - Store No. 974)				
33	May 31, 2023 Notice of Default (Store No. 974)				
34	May 31, 2023 Second Notice of Default (Store No. 974)				
35	Notice of Violation of Automatic Stay dated May 31, 2023 (M & Y Pump Services Inc.)				
36	Notice of Violation of Automatic Stay dated May 31, 2023 (VM Petro, Inc.)				
37	FI Inventory Report - 6/15/13 (Deliveries at Gross Units – All NY Stores)				
38	Open Balances for Non-Compliant Dealers as of June 16, 2023				
39	Excerpt of Email from Yi Wang				
40	Credit Card Receipt for Store No. 961 – May 31, 2023				
41	Credit Card Receipt for Store No. 962 – May 31, 2023				
42	Credit Card Receipt for Store No. 965 – May 31, 2023				
43	Credit Card Receipt for Store No. 968 – May 31, 2023				
44	Credit Card Receipt for Store No. 974 – May 31, 2023				
45	Compliance Inspection Report by MVI Field Services dated June 6, 2023 – Store No. 961				
46	Compliance Inspection Report by MVI Field Services dated June 13, 2023 – Store No. 962				
47	Compliance Inspection Report by MVI Field Services dated June 13, 2023 – Store No. 963				
48	Compliance Inspection Report by MVI Field Services dated June 13, 2023 – Store No. 965				
49	Compliance Inspection Report by MVI Field Services dated June 13, 2023 – Store No. 968				
50	Compliance Inspection Report by MVI Field Services – Store No. 974				
51	Debtors' Emergency Motion for (I) Entry of an Order to Appear and Show Cause Against Monto Food Mart Inc.; Yonkers Fuel Inc.; Broadway Fuel Inc.; Prime Petro Inc.; American 1 Gas Inc.; Commack Fuel Inc.; M & Y Pump Services Inc.; and VM Petro, Inc.; and (II) The Imposition of Compensatory and Coercive Sanctions Against the Subject Parties				

	for Violation of the Automatic Stay (Docket No. 488)				
52	Declaration of Jaskerit “Jay” Lally (Docket No. 493)				
53	Declaration of Lisa Ciotoli (Docket No. 513)				
54	Declaration of Coleman Torrans (Docket No. 526)				
55	Any pleading filed by the Debtors in the above-referenced cases				
56	Any exhibits listed, designated, or offered by any other party				
57	Any exhibits necessary for rebuttal, impeachment, or authentication purposes				

The Debtors reserve the right to modify, amend or supplement this Witness and Exhibit List at any time. The Debtors reserve the right to ask the Court to take judicial notice of pleadings, orders, transcripts and/or documents filed in or in connection with these Cases, to offer rebuttal exhibits, and to supplement or amend this Witness and Exhibit List at any time prior to the June 29, 2023 hearing. Designation of any exhibit above does not waive any objections the Debtors may have to any exhibit listed on any other party’s exhibit list.

Respectfully submitted,

LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD

/s/ Benjamin W. Kadden

BENJAMIN W. KADDEN (TX Bar 24077542)

STEWART F. PECK (LA Bar 10403)

Admitted Pro Hac Vice

CHRISTOPHER T. CAPLINGER (LA Bar 25357)

Admitted Pro Hac Vice

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Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2023, a true and correct copy of the foregoing was filed and served by operation of this Court's CM/ECF system.

/s/ Benjamin W. Kadden